

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

ORDER

v.

13-cr-147-bbc-1

PETER JAMES CRANDALL,

Defendant.

A hearing on the probation office's petition for judicial review of Peter James Crandall's probation was held on June 21, 2016, before U.S. District Judge Barbara B. Crabb. The government appeared by Assistant U.S. Attorney Kevin F. Burke. Defendant was present in person and by counsel Erika L. Bierma. Also present was U.S. Probation Officer Lisa A. Siegel.

From the record and the parties' stipulation I make the following findings of fact.

FACTS

Defendant was sentenced in the Western District of Wisconsin on March 27, 2014, following his conviction for theft of government property, in violation of 18 U.S.C.

§ 641. This offense is a Class C felony. Defendant was sentenced to a two-year term of probation subject to standard and special conditions and ordered to pay a \$100 criminal assessment penalty, a \$500 fine, and \$6,939.70 in restitution. Defendant began his term of probation on March 27, 2014.

On February 9, 2016, defendant appeared for judicial review in response to his failure to pay his court-ordered financial obligations; his failure to report to the probation officer as directed; his failure to follow the directions of the probation officer; and his failure to submit requested financial information. Under the parties' joint agreement, defendant made a formal admission of his failure to comply with the conditions related to his court-ordered financial obligations, agreed to an extension of his probation until July 27, 2016, agreed to a modified payment schedule requiring payments in the amount of \$1,000 to be paid on or before March 14, April 11, May 16 and June 13, 2016 and agreed to pay the remaining balance on or before June 27, 2016.

Despite the agreement, defendant failed to make the payments as ordered. This was a violation of the mandatory condition of his probation requiring him to pay his outstanding financial obligation in accordance with the amended Schedule of Payments as ordered by the court on February 9, 2016.

Defendant violated Special Condition No. 1, requiring him to provide the

probation officer requested financial information, and Standard Condition Number 1, requiring him to report to the probation officer as directed, when he failed to submit his monthly cash flow statements and paycheck stubs for March and April 2016, failed to submit the U.S. Attorney's Office financial declaration form as instructed and failed to submit his monthly supervision report for the month of April 2016.

Defendant's conduct falls into the category of a Grade C violation. Section 7B1.3(a)(2) of the advisory guidelines provides that upon the finding of a Grade C violation, the court may revoke or extend probation or modify the conditions of supervision. In this case, the maximum term of probation at sentencing was five years and defendant was sentenced initially to two years' probation. His term of probation was extended for four months. This has resulted in a total term of probation of 28 months; therefore, his probation can be extended up to an additional 32 months.

CONCLUSIONS

Defendant's violations warrant revocation, but in his case, revocation will do little to remedy his continuing failure to pay his outstanding financial obligations. After reviewing the non-binding policy statements of Chapter 7 of the Guidelines Manual, I

have decided to continue defendant's term of probation on the condition that he enter into a binding agreement to make full restitution of his obligation to the government..

ORDER

IT IS ORDERED that the period of probation imposed on defendant on March 27, 2014, and extended on February 9, 2016, is continued to expiration on July 26, 2016. The standard and special conditions imposed on March 27, 2014 and re-imposed on February 9, 2016, will remain in effect as previously ordered.

Entered this 24th day of June 2016.

BY THE COURT:

/s/

Barbara B. Crabb

District Judge